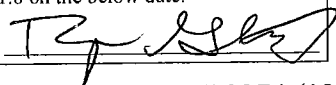


CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

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Date: December 7, 2009 Name: Ryan Gleitz, Reg. No. 62,164 Signature: 

Docket No. MP0974 (13036/15)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William Randolph Schmidt

Serial No.: 10/630,419

Filing Date: July 30, 2003

For: Printer Formatter With Print Server

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) Examiner: Neil McLean

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) Group Art Unit No: 2625

)
) Confirmation No.: 7838

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the Final Rejection mailed July 20, 2009 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal, the fee having previously been paid on August 14, 2008, in the amount of \$510, the difference of \$30 being paid with this submission. Applicant believes the fee requirement to have been met, however, the Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 23-1925.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. INTRODUCTION

Claims 36 and 39-52 are pending in the application. In the Office Action of July 20, 2009, claims 36, 38-41, and 44-52 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,212,300 (“Comer”). Claims 42 and 43 were rejected under 35 U.S.C. §103(a) as unpatentable over Comer in view of U.S. Patent No. 6,522,430 (“Chadez”). Amendments placing the application in better form for appeal were entered pursuant to the Advisory Action of December 1, 2009.

II. REJECTIONS UNDER 35 U.S.C. § 102

A. Comer does not teach the print server as claimed.

Claim 36 recites, *inter alia*, “a print server, in communication with the processor, to manage a print queue; and a substrate including a microchip comprising the processor, the system I/O, the formatter controller, and *the print server.*” (emphasis added).

Comer describes industrial printers, known as “drop-on-demand” printers that are used to code information on boxes or other packaging. *See* col. 1, lines 12-17. Comer notes that in the past such “drop-on-demand” printers were not provided with Internet connectivity capabilities. *See* col. 1, lines 54-56. In other words, Comer focuses on adding Internet connectivity to industrial printers.

The Office Action relies on this teaching of Internet connectivity in Comer as meeting the print server limitation as recited in claim 36. However, Internet connectivity bears no relevance as to whether Comer teaches a print server capable of managing a print queue. Many devices have Internet connectivity but are incapable of functioning as a print server to manage a print queue. Simply connecting a print engine to the Internet does not result in a print server to manage a print queue.

In every instance that Comer mentions an Internet server, the focus is solely on managing Internet connectivity, with no hint of managing anything remotely related to a print queue. For example, Comer discloses the following:

Processor 16 controls print engine 10 by managing the Internet communications and also by transforming message data received from the Internet into a format readable by the printer software.

Print engine 10 preferably includes an Ethernet transceiver and magnetics that provide the physical connection to the Internet. Print engine 10 also includes specific electronics that are typical in the industry for operating a piezoelectric printhead. Print engine 10 monitors Internet communications and processes data

intended for the device. In addition, the print engine performs the typical functions required of a piezoelectric printhead. Col. 4, lines. 7-18 (emphasis added)

Therefore, Comer merely discloses that the printer is in communication with the Internet via an embedded Internet server. Comer thus does not disclose a print server that manages a print queue as recited in claim 36.

The Advisory Action mailed December 1, 2009 states, “[b]y disclosing a printer with an embedded Internet server, memory, and integrated networking software, Comer is implicitly revealing the existence of a print job.” Applicant does not disagree with the statement that Comer reveals an existence of a print job. However, the mere existence of a print job does not suggest “a print server, in communication with the processor, to manage a print queue; and a substrate including a microchip comprising the processor, the system I/O, the formatter controller, and the print server,” as required by claim 36.

Internet servers do not by their very nature manage print queues. If a printer receives print jobs over the Internet, it does not necessary follow that the printer is managing a print queue. Therefore, Comer does not teach or even suggest a print server, in communication with the processor, to manage a print queue and a substrate including a microchip comprising the processor, the system I/O, the formatter controller, and the print server.

The Advisory Action mailed October 6, 2009 further states that “[t]he Examiner ... believes that a processor that controls memory, cache, print engine, printheads, reads on the applicants claim(s).”

Applicant respectfully disagrees with the Examiner’s statement. If it were true, then any processor that controls memory, cache, print engine, and printheads would be a print server to manage a print queue. In other words, the Examiner is interpreting the prior art in such a way that any printer with a processor is a print server to manage a print queue.

Finally, Comer did not envision the print engine to include a print server, in communication with the processor, to manage a print queue. Comer instead intended for related monitoring and server functions to occur remotely. Comer states that “the status of the print engines can be remotely monitored by a server operated by a service or manufacturing personnel ... [t]he resulting remote control and remote diagnostics capabilities provides a host of advantages.” For this reason alone, Applicant respectfully requests that the rejection of claim 36 (and dependent claims 39-52) be withdrawn.

B. Comer does not teach the formatter controller as claimed.

Claim 36 recites, *inter alia*, “a formatter controller to perform at least a first formatting function associated with the print job ... and a substrate including a microchip comprising the processor, the system I/O, *the formatter controller*, and the print server.” (emphasis added).

Comer describes printing systems that are accessible from remote locations. Comer further explains that print engine 10 is a self-contained printer that generates patterns of ones and zeroes similar to the way Microsoft Windows generates pixels to display on a computer monitor. *See* col. 5, lines 20-41.

However, Comer’s print engine 10 is not on a substrate that includes a microchip, which also includes a processor, a system I/O, and a print server, as recited in claim 36. Accordingly, the Office Action does not correlate the functions of print engine 10 with the claimed formatter controller.

Instead, the Office Action relies on the “Internet hardware” described by Comer, which states that a “chip may also include Ethernet MAC and systems controllers for (e.g.) memory, DMA, interrupts, and timers.” *See* col. 3, lines 9-11. In order to apply the reference to claim 36, the Office Action asserts that the DMA controllers correspond to the formatter controller. *See* Office Action, p. 4. However, a DMA controller cannot reasonably be construed as a formatter controller to perform at least a first formatting function associated with the print job.

A DMA controller, or direct memory access controller, allows subsystems within a computer to access memory. The DMA controller frees up the processor for other tasks. Accessing a memory to read or write locations on the memory, even if performed within a printer, is not a formatting function associated with the print job as recited in claim 36.

Therefore, Comer does not anticipate “a formatter controller to perform at least a first formatting function associated with the print job ... and a substrate including a microchip comprising the processor, the system I/O, the formatter controller, and the print server,” as recited by claim 36.

For the reasons stated above, Applicant respectfully requests that the rejection of claim 36 be withdrawn. Further, the rejections of claims 39-52 should be withdrawn because, at a minimum, claims 39-52 depend from claim 36.

C. Comer does not anticipate a processor configured to remove the print job from the print queue in response to a cancel signal.

Claim 52 recites, *inter alia*, “the processor is configured to remove the print job from the print queue in response to a cancel signal.”

The Office Action states, “[t]his feature is inherent under the Simple Network Management Protocol (SNMP) and Management Information Base (MIB) in order to facilitate the exchange of management information between network devices.” *See* Office Action, p. 8.

However, Comer is completely silent regarding removing a print job from a print queue in response to a cancel signal. The Office Action does not cite to any portion of Comer. Further, there is no discussion in Comer of SNMP or MIB as stated by the Office Action.

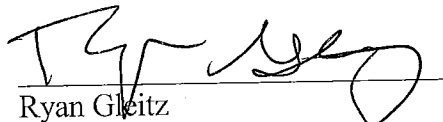
It appears that this rejection of Claim 52 may be copied from a withdrawn rejection. The rejection of claim 52 made under U.S. Patent No. 7,130,069 (“Honma”) contained the same reference to SNMP and MIB. *See* Office Action mailed March 26, 2008, p. 7. Since Honma actually describes SNMP and MIB, col. 7, lines 22-32, Applicant believes that the rejection may have been accidentally reproduced without properly considering claim 52 under Comer.

Therefore, Applicant respectfully requests that the rejection of claim 52 be withdrawn.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests the allowance of claims 36 and 39-52. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicant’s undersigned attorney at (312) 321-4200.

Respectfully submitted,



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